

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

CATHERINE WILL, et al.,

Defendants.

No. C05-1922P

ORDER OF CONSOLIDATION

This order is to be filed in case numbers C05-1922P, C05-1923P, C05-1924P, C05-1925P, C05-1926P, C05-1927P, and C05-1928P. The Court previously issued an order to show cause why all of these cases should not be consolidated pursuant to Fed. R. Civ. P. 42(a). The defendants in case numbers C05-1922P and C05-1928P filed objections to consolidation. Having reviewed the responses to the order to show cause and the balance of the records in these cases, the Court finds and ORDERS as follows:

(1) Notwithstanding the objections filed by some defendants, the Court finds that consolidation of case numbers C05-1922P through C05-1928P is warranted. All of these cases present common issues of fact or law, and consolidation would advance judicial economy and permit more efficient case management.

Therefore, the following actions are hereby CONSOLIDATED for all pre-trial proceedings pursuant to Fed. R. Civ. P. 42(a):

| <u>Case Name</u>      | <u>Case Number</u> |
|-----------------------|--------------------|
| Microsoft v. Will     | C05-1922P          |
| Microsoft v. Hesson   | C05-1923P          |
| Microsoft v. Baker    | C05-1924P          |
| Microsoft v. Ngo      | C05-1925P          |
| Microsoft v. Ham      | C05-1926P          |
| Microsoft v. Huh      | C05-1927P          |
| Microsoft v. Mitchell | C05-1928P          |

As the Court noted in its order to show cause, the parties in several of these matters have consented to proceed before a Magistrate Judge. However, the Court finds that all of the cases listed above should remain assigned to the undersigned judge for the sake of judicial economy.

(2) The caption of these consolidated actions shall be “In re Microsoft Partner Program Litigation” and the files of these consolidated actions shall be maintained in one file under case number C05-1922P. All future pleadings filed in these consolidated actions shall be filed under case number C05-1922P and shall bear the following caption:

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re MICROSOFT PARTNER PROGRAM  
LITIGATION

No. C05-1922P

This Document Relates To:

[\_\_\_\_\_]

1 When a pleading is intended to apply to all of the consolidated actions, the words "All  
2 Actions" shall appear immediately after the words "This Document Relates To" in the caption set out  
3 above. When a pleading is only intended to apply to one of the consolidated actions, the case number  
4 that was initially assigned to that case and the last name of the first defendant named in that case shall  
5 appear immediately after the words "This Document Relates To." By way of example, a pleading that  
6 is intended to be applicable only in Microsoft v. Hesson (a case originally assigned case number C05-  
7 1923P) would state "This Document Relates To: C05-1923P (Hesson)".

8 (3) The Court will issue a case scheduling order that will govern all the consolidated  
9 actions. The case scheduling order will specify a single trial date for all cases. However, it is not the  
10 Court's intent at this time to order consolidation of all cases for trial. The question of whether two or  
11 more of these actions should be consolidated for trial, as well as the sequence in which the cases  
12 should be tried, may be addressed after the close of discovery.

13 (4) The clerk is directed to send copies of this order to all counsel of record and all pro se  
14 parties.

15 Dated: April 12, 2006

16  
17 s/Marsha J. Pechman  
18 Marsha J. Pechman  
19 United States District Judge  
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